

**SOUTH DAKOTA STATEWIDE INTERAGENCY AGREEMENT  
FOR SERVICES TO CHILDREN WITH DISABILITIES IN HEAD START  
PROGRAMS**

**August 2000**

**Federal Region VIII, Administration for Children and Families;  
South Dakota Department Of Education and Cultural Affairs, Office of Special Education;  
Region VIII Disability Services Quality Improvement Center (DSQIC);  
Region XI Disability Services Quality Improvement Center (DSQIC);  
South Dakota Head Start Association;  
Oyate Early Childhood Association;  
Rosebud Sioux Tribe;  
Oglala Sioux Tribe;  
Crow Creek Sioux Tribe;  
Lower Brule Sioux Tribe;  
Cheyenne River Sioux Tribe;  
Standing Rock Sioux Tribe;  
Sisseton-Wahpeton Sioux Tribe.**

This agreement is written to encourage the parties above to address their mutual commitment of serving children with disabilities, ages three through five and where appropriate birth through two, through formal collaborative and cooperative arrangements. Article 24:05 and 24:14 of the Administrative Rules of South Dakota, Part B of the Individuals with Disabilities Education Act (IDEA), the Human Services Reauthorization Act of 1998 (PL 105-285), Head Start Program Performance Standards on Services for Children with Disabilities (45-CFR 1304 and 1308) and their respective regulations provide the legal basis for assuring that children with disabilities receive services to meet their special needs.

**Purpose**

The purpose of this agreement is to describe the responsibilities of each agency, and to provide guidance for collaboration and cooperation between local education agencies and Head Start in order to:

1. Assure that children in need of special education or special education and related services receive appropriate services for which they are eligible; and
2. Assure quality programs and maximize services through the joint utilization of resources.

**Fiscal and Administrative Considerations:**

For purposes of maximizing the impact of available funds, resources, and cost effectiveness, Head Start programs and local education agencies are encouraged to consider cooperative arrangements in serving children with disabilities ages 3 through 5. The local agreements should access all available external resources to support their special education services or special education and related services.

### **Responsibilities:**

South Dakota local education agencies are required to:

1. Locate, screen, evaluate, and identify all children birth through 21, residing within their boundaries, which may have a disability.
2. Provide a free and appropriate public education (FAPE) through the provision of special education services or special education and related services to all eligible children, as determined by the individual education program team and as described on their Individualized Education Program (IEP).
3. Ensure that whenever appropriate the IEP will include parent counseling and training, as a related service, to ensure that the special education program is effective.
4. Ensure that the IEP is accessible to each Head Start regular education teacher who has the responsibility for implementing IEP goals.
5. Ensure that procedural safeguards and confidentiality of information are provided to eligible children and their parents, which may include services provided at Head Start.
6. Facilitate the transition of eligible children between their Birth-3 programs to local educational agency preschool programs and/or Head Start programs.

Head Start grantees are required to:

1. Recruit, enroll and serve eligible children. At least ten percent of the funded enrollment opportunities must be reserved for children with identified disabilities.
2. Insure completion of screening/assessment (developmental, medical, dental, and nutritional) not performed by the local education agency, as a part of the process for determining if a disability may be present.
3. Refer children suspected of having a disability to the child's local education agency, for screening and evaluation.
4. Collaborate with the local education agency in the multidisciplinary evaluation, IEP development, the implementation of the portions of the IEP identified for Head Start Programming for Head Start eligible children, the IEP annual review and the transition from one program to the next.
5. Insure that procedural safeguards, including confidentiality of records are provided for all children with disabilities and their parents.
6. Offer a support system for families of children with disabilities through training, information follow-up assistance, assistance in transition from one program to the next and social support.

### Areas for Collaboration and Cooperation:

Local education agencies (LEAs) and Head Start programs are encouraged to develop agreements within a framework that will define relationships and specify areas of collaboration and/or cooperation appropriate to their local situations. Local education agencies and Head Start programs should utilize local Part C grant applicants to further their collaborative efforts. This will maximize available resources and avoid the duplication of services. The following examples are provided as components for an interagency agreement.

1. Communication: Communication is encouraged between the local education agencies and Head Start programs for the purpose of establishing and maintaining regular and ongoing communications.
2. Eligibility: Eligibility determination must be made by a multidisciplinary team. The team shall include parents, at least one special education teacher of the child, a representative of the public agency who is qualified to provide or supervise the provision of specially designed instruction, an individual who can interpret evaluation results (this individual may be one of the persons listed above) and, at the discretion of the parent or agency, other individuals who have knowledge or special expertise regarding the child. If placement in Head Start is considered, representatives from Head Start shall be invited.
3. Referral Process: Local education agencies and Head Start programs should establish procedures for interagency referrals. Head Start must refer any child suspected of having a disability to the local education agency for evaluation as soon as the need is evident. The need is evident when concerns about a child's development are identified by parents or by Head Start staff during screening or ongoing assessment. Head Start staff must refer the child after obtaining parent permission.
4. Screening: Local education agencies and Head Start programs should develop a coordinated and comprehensive screening program utilizing the resources of each agency and local interagency network.
5. Joint Staffing: An IEP for children with disabilities, which includes services in Head Start programs, must be developed following all state and federal regulations, and should include Head Start staff and/or providers, as appropriate. LEAs are required to complete the evaluation process within 25 school days from the date parent consent for evaluation is received, unless other timelines are agreed upon by the LEA and parent. The development of an IEP for the child must be conducted within 30 days of a determination that the child needs special education and related services. IEPs for most children with disabilities should be implemented without undue delay following the IEP meeting, with very limited exceptions.
6. Program Options: Local education agencies, Part C local service coordinators, and Head Start programs are encouraged to explore various options in the placement of children with disabilities. Local service arrangements may include: placement in Head Start with itinerant staff from local education agencies; dual placement in both a local education agency and Head Start; contracts for service; and other cooperative arrangements.
7. Providing Services to Children with Disabilities: Local education agencies and Head Start should provide services in a collaborative delivery model whenever possible.

8. Transitions: Local education agencies and Head Start programs should cooperatively develop programs. Transition meetings should begin at least 90 days prior to the child's third birthday. For those children transitioning to kindergarten, transition planning will follow local guidelines. All information shared in this process shall conform with the confidentiality and due process requirements.
9. Inservice: Local education agencies and Head Start programs are encouraged to include the other agency's personnel in inservice training activities whenever possible and appropriate.
10. Shared Resources: Head Start programs and local agencies should consider the development of a system of shared resources and training and technical assistance services which may include shared personnel, cooperative resource libraries, facilities, equipment, transportation, contracted services, and exchange of in-kind services, appropriate to local situations. The LEA is the agency responsible to ensure that a FAPE is made available to each eligible child.
11. Information Systems: Efforts should be made to develop compatible systems for collecting and reporting information on children served and services provided.

#### **Dispute Resolution:**

Dispute arising from the implementation of this agreement, or differences that cannot be resolved by parties to this agreement, or to agreements developed at the local/agency level, will be referred as described below.

During the pendency of the dispute resolution procedures described herein, DECA will ensure that services required to provide free appropriate public education (FAPE) will continue. Disputed service(s) currently being provided will continue until the outcome of the dispute resolution process. The implementation of disputed service(s) not previously provided will be pursuant to a decision through the described resolution process.

1. All attempts will be made to resolve disputes at the lowest possible level.
2. When disputes cannot be resolved by designated department representatives, a written explanation of the dispute will be sent to the Director of Special Education, Office of Special Education and the Region VIII DSQIC Director and the Region XI DSQIC Director. These individuals, in consultation with each other, shall review the issues and make a determination as to how the dispute should be resolved.

The decision will be shared in writing with each level involved within twenty (20) calendar days of receipt of request for the determination and will include reasons for the decision.

3. If the above-named directors are unable to reach resolution, they will refer the issue to the Secretary of the Department of Education and Cultural Affairs and the Region VIII ACF Regional Administrator. These individuals, in consultation with each other, shall review the issues and make a determination as to how the dispute shall be resolved. The final determination shall be made within 30 calendar days.

**Implementation:**

1. Annually, if appropriate or whenever laws and codes affecting the implementation or language in this agreement are changed, representatives of the agencies involved will review this agreement and make joint recommendations for any modifications needed.
2. The Department of Education and Cultural Affairs, Office of Special Education, Region XI DSQIC, Region VIII DSQIC, and the Region VIII Administration for Children and Families will disseminate this agreement to their respective local agencies and grantees.
3. The Office of Special Education, the Region VIII Administration for Children and Families, and the Region XI Resource Access Project, and the Region VIII Resource Access Project will jointly provide technical assistance and training in the development and implementation of local agreements.

**Signatures to this Agreement**

The agencies which are parties to this agreement will only be considered agencies within the agreement when their respective signature page is received by the Head Start Region VIII Disability Services Quality Improvement Center (DSQIC). DSQIC will retain the original signatures on file in their office at Utah State University, Logan, Utah.

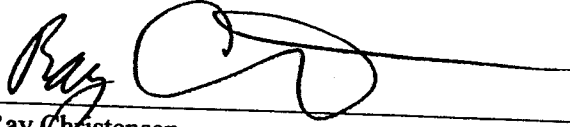


Beverly Turnbo

Regional Administrator Region VIII

Administration for Children and Families

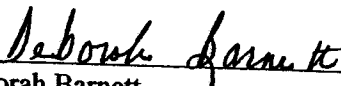
12/18/00  
Date



Ray Christensen

Secretary, Department of Education  
and Cultural Affairs

8/29/00  
Date



Deborah Barnett

Director, Office of Special Education

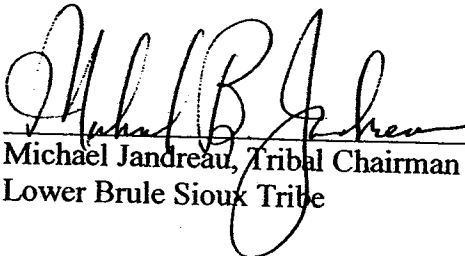
8-29-00  
Date



Lyn Tysdal

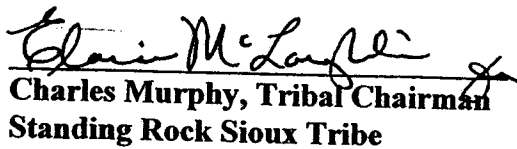
Chairperson, South Dakota Head Start Association

8-7-00  
Date



Michael Jandreau, Tribal Chairman  
Lower Brule Sioux Tribe

12-13-00  
Date



Charles Murphy, Tribal Chairman  
Standing Rock Sioux Tribe

12-14-00  
Date